



File Code: 1560; 1300
Date: September 28, 2018

Joel Jackson
President
Organized Village of Kake
P.O. Box 316
Kake, AK 99830

Dear President Jackson,

Thank you for your letter dated September 7, 2018 regarding your concerns about the regulatory proposal for developing an Alaska specific roadless rule. You raised several issues that I will begin to address with this letter and look forward to further dialogue through meaningful government-to-government consultation.

On July 30, 2018, Interim Regional Forester David Schmid sent a letter to the Organized Village of Kake inviting government-to-government consultation and cooperating agency status regarding a regulatory proposal originated by the State of Alaska and agreed to by the U.S. Department of Agriculture to develop a state-specific roadless rule. The intent of the letter was to offer pre-notification to Federally Recognized Tribes about the proposal before it was made public in the *Federal Register's* Notice of Intent published on August 30, 2018. The letter inviting consultation and the Notice of Intent for a 45-day public comment period initiated a two-year planning process that will inform a final decision by the Secretary of Agriculture or his designee anticipated by June 2020. The agency's efforts to invite consultation 30-days prior to the Notice of Intent public comment period and commitment to continuously engage leads me to believe we are in compliance with our requirements for government-to-government consultation. No decisions have been made on an Alaska roadless rule.

The USDA Forest Service and State of Alaska signed a memorandum of understanding (MOU) cooperating agency agreement on August 2, 2018 that outlines how the two entities will work together to develop a state-specific roadless rule. The MOU states that the State will form a collaborative group that will inform their input into the rulemaking process that is being led by the USDA Forest Service. Alaska Governor Bill Walker signed an Administrative Order on September 6, 2018 that establishes their roadless rulemaking advisory committee. The process to convene and manage the State's advisory committee is solely at the discretion of the State of Alaska. The USDA Forest Service has no authority in the State's process related to the advisory committee. Any further questions or concerns regarding the State's advisory committee should be directed to Chris Maisch, Alaska State Forester, at Chris.Maisch@alaska.gov or 907-451-2660.

In the aforementioned letter dated July 30, 2018, the Organized Village of Kake was invited to participate in the Alaska roadless rulemaking project as a cooperating agency. I have included in this letter an information sheet that describes the roles of a cooperating agency. Accepting



cooperating agency status does not forego government-to-government consultation; it is in addition to our requirements for consultation.

Two other states, Idaho and Colorado, have developed state-specific roadless rules that better reflect local needs that could not be addressed in the national roadless rule. Those rules included provisions that allowed for less restrictions than the national roadless rule in some areas, and more strict measures in others. The purpose of developing an Alaska roadless rule is to consider whether a state-specific roadless rule will meet the social, economic, and natural resource needs of Alaskans better than the national roadless rule's "one size fits all" approach. Broad participation from Tribal governments will be a key to its success.

The intent of this state-specific roadless rulemaking process is keep it separate from any process to amend or revise the 2016 Tongass Land and Resource Management Plan (Forest Plan). I highly value the commitment of the public's time and energy in developing the 2016 amendment to the Forest Plan that focused on transitioning the timber program from primarily harvesting old-growth trees to young-growth trees and renewable energy. An Alaska roadless rule could affect many interests other than commercial timber such as mining, energy development, forest restoration, and tourism. It remains unknown whether an Alaska roadless rule will necessitate an amendment or revision to the 2016 Tongass Land and Resource Management Plan (Forest Plan).

The accelerated pace of this rulemaking effort is seeking to respond to a broader national public interest for improving efficiencies and reducing timelines in our planning processes. I believe the two-year timeline for considering an Alaska roadless rule will adequately meet the need and I am committed to continuous and meaningful public and Tribal engagement throughout the process. Your request to extend the public scoping comment period that closes on October 15, 2018 to December 3, 2018 has been considered and denied.

In addition to the current public scoping period, the rulemaking effort provides several additional ways for the Organized Village of Kake to provide their input into the process. First, at any time I will continue to honor our commitment to accept information for the rulemaking effort through regular government-to-government consultation. Second, I welcome you to further participate as a cooperating agency. And finally, there will be another public comment period when the Draft Environmental Impact Statement is complete, anticipated during summer 2019.

I sincerely appreciate your engagement on this important regulatory rulemaking process. Melinda Hernandez-Burke, Alaska Region Tribal Relations Specialist, will seek to schedule a government-to-government consultation with the Organized Village of Kake. If you have further questions about this process, please contact Melinda at 907-586-7089 or mhernandezburke@fs.fed.us.

Sincerely,



M. EARL STEWART
Forest Supervisor, Tongass NF